

REMARKS

This amendment responds to the final office action mailed June 12, 2003. In the office action the Examiner:

- allowed claims 32, 33, 56 and 57;
- claims 35 and 36 stand rejected as being indefinite under 35 U.S.C. 112, second paragraph; and
- rejected claims 31, 34-41, 43, 44, 46-55, 58-65 and 67-74 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,428,259 to Suzuki.

After entry of this amendment, the pending claims are: claims 31-41, 43-44, 46-65 and 67-74.

Applicants appreciate the Examiner's allowance of claims 32, 33, 56 and 57.

Claim 35 has been amended to clarify the claimed arrangement of the first and second combteeth. Claim 59 has been similarly amended, as it includes the same arrangement. Applicants' respectfully submit that the rejection of claims 35 and 36 under 35 U.S.C. 112 is rendered moot by the amendments to claim 35.

Independent claims 31 and 52 have been amended. As amended, these claims require that each combteeth spine has a major axis extending directly away from a central portion of a respective side of the mirror. The claimed structure is not shown or suggested by Suzuki. In order to be clear about what is and is not shown in Suzuki, Applicants have included diagrams A1 through A6 in Appendix A for reference purposes. These diagrams are re-drawn portions of the figures in Suzuki. In addition, the diagrams in Appendix A show various potential locations and shapes for the mirror that the Examiner reasons would have been obvious to add to Suzuki's structure.

It should be emphasized here that, Suzuki does not teach the use of a mirror mounted on the structures shown in Suzuki. Further, the applicant does not agree that it would be obvious to mount a mirror on the Suzuki apparatus, because Suzuki is silent in this regard. A text search of the Suzuki patent reveals that the word "mirror" is never used. Given the Suzuki's silence with respect to mirrors, where is the motivation to combine Suzuki with a

mirror? And where is the motivation (other than in the present application) to combine Suzuki with a very specific mirror?

However, in order to address the rejections posed by the Examiner, the applicant herein considers various mirrors that might be mounted on the Suzuki apparatus, and also considers whether there is any basis in law and fact for a rejection of the pending claims under 35 U.S.C. 103. This discussion is not an admission by applicant that such Suzuki-mirror combinations are proper under 35 U.S.C. 103.

In Suzuki's Figure 1, any arguable spine structures therein are extending from end portions of the moveable combteeth assembly's central structure 1. For example, in Diagram A1 in Appendix A, only structures 2 and 3 could arguably be spines, because the combteeth 4 extend from structures 2 and 3. Claims 31 and 52 require "one or more combteeth spines each having second combteeth extending therefrom for engaging the first combteeth." No other structures on Suzuki's apparatus meet this element. Thus structures 2 and 3 would have to be the claimed combteeth spines in order to support the stated rejection of claims 31 and 52.


However, in order for structures 2 and 3 to extend from a respective side of the mirror, a mirror having the shape shown by the bold rectangle 5a in Diagram A2 would have to be added to Suzuki, and structures 2 and 3 would then have to be split into two spines (e.g. 2a and 2b, and 3a and 3b, respectively). Importantly, there is no teaching or suggestion in Suzuki to split spines or add a mirror having the specific shape shown in Diagram A2. In fact, there are a multitude of mirror shapes and locations that are more likely (or at least as likely) as that shown in Diagram A2 (see, e.g., mirrors 5b through 5e outlined in bold lines in Diagrams A3 through A6, none of which show the claimed invention). Adding a mirror (as shown in Diagram A2) with this specific shape, size and location suggests the use of impermissible hindsight to produce a basis for rejecting claims 31 and 52. Specifically, one would have to use the disclosure of the present invention to come up with the exact mirror and specified modifications necessary to make Suzuki teach each and every element of the claimed invention. Second, even if mirror 5 in Diagram A2 is added to Suzuki's apparatus, structures 2 and 3 do not extend from a central portion of the mirror. At most, structures 2 and 3 extend from the distal ends of a mirror.

Thus, Suzuki does not teach or suggest each an every element of the claimed invention, and there is no teaching or suggestion in the Suzuki reference to modify the structures shown therein to have the configuration and functionality of the present invention as represented by claims 31 and 52 and their dependent claims. As claims 34-41, 43-44, 46-51 and 73 depend from claim 31, these claims are allowable for at least the reasons that claim 31 is allowable as described above. Claims 53-55, 58-65, 67-72 and 74 depend from claim 52 and therefore are allowable for the same reasons as claim 52.

In light of the above amendments and remarks, the Applicant respectfully requests that the Examiner reconsider this application with a view towards allowance. The Examiner is invited to call the undersigned attorney at (650) 849-7721, if a telephone call could help resolve any remaining items.

Date: August 11, 2003

Respectfully submitted,

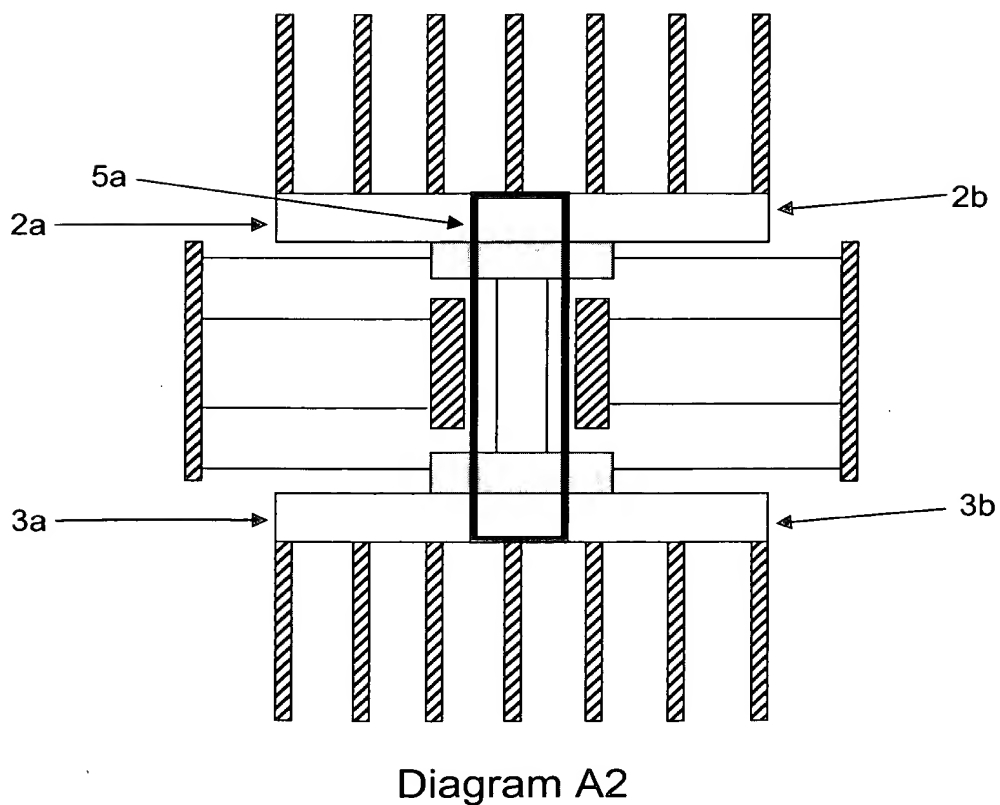
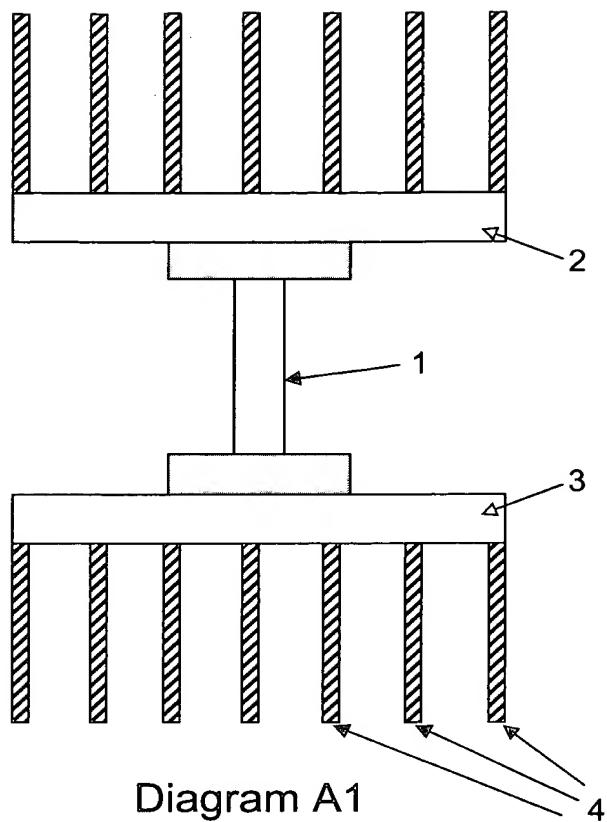


Gary S. Williams
PENNIE & EDMONDS LLP
3300 Hillview Avenue
Palo Alto, California 94304
(650) 493-4935

31,066
(Reg. No.)

Appendix A

Diagrams



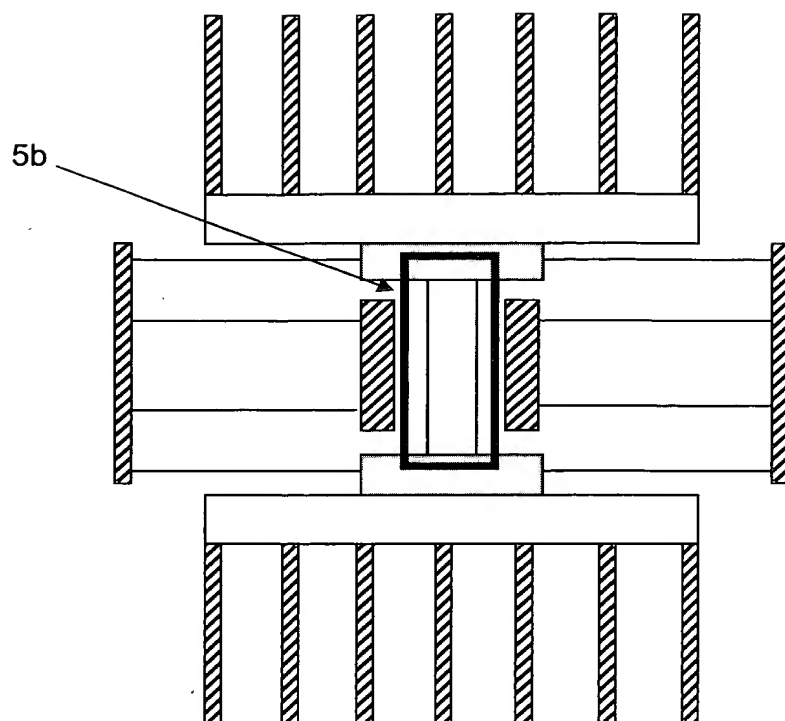


Diagram A3

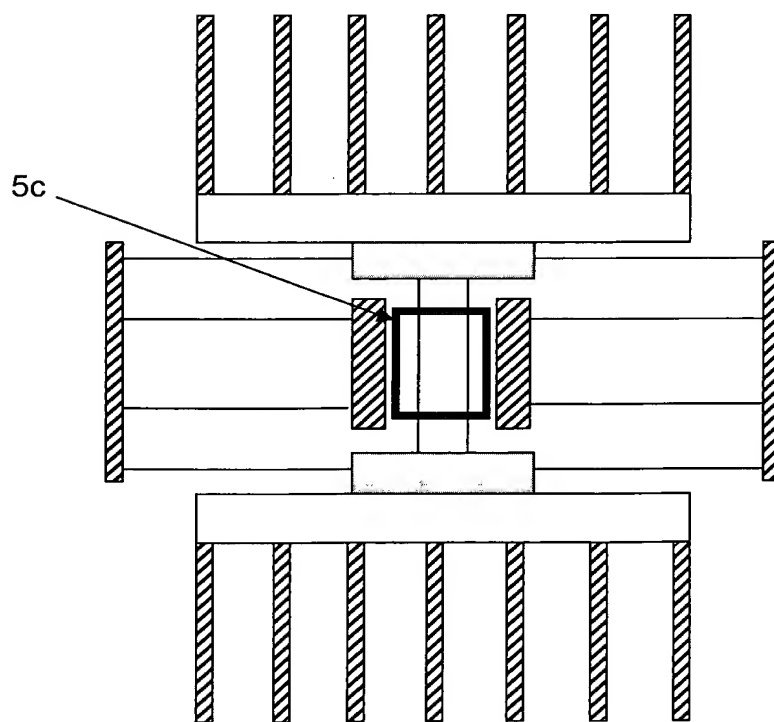


Diagram A4

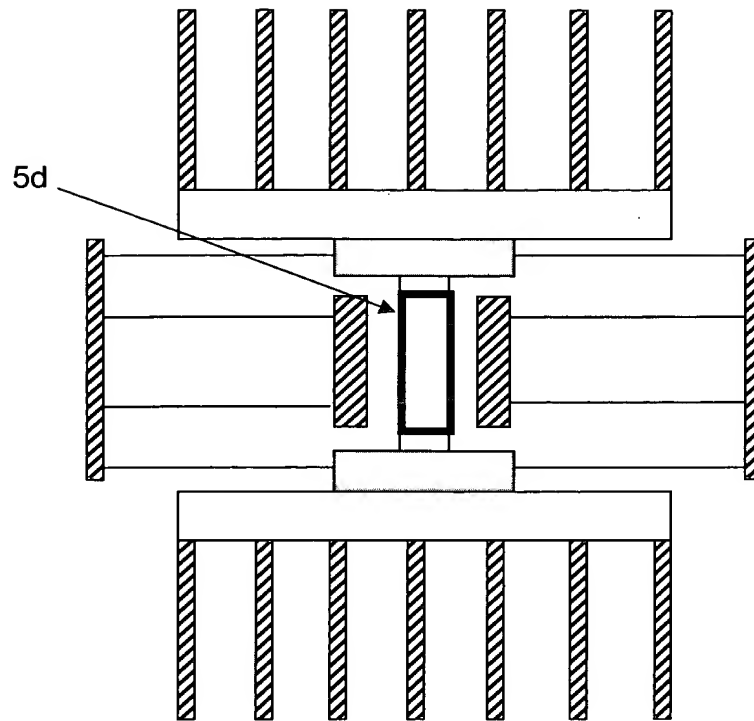


Diagram A5

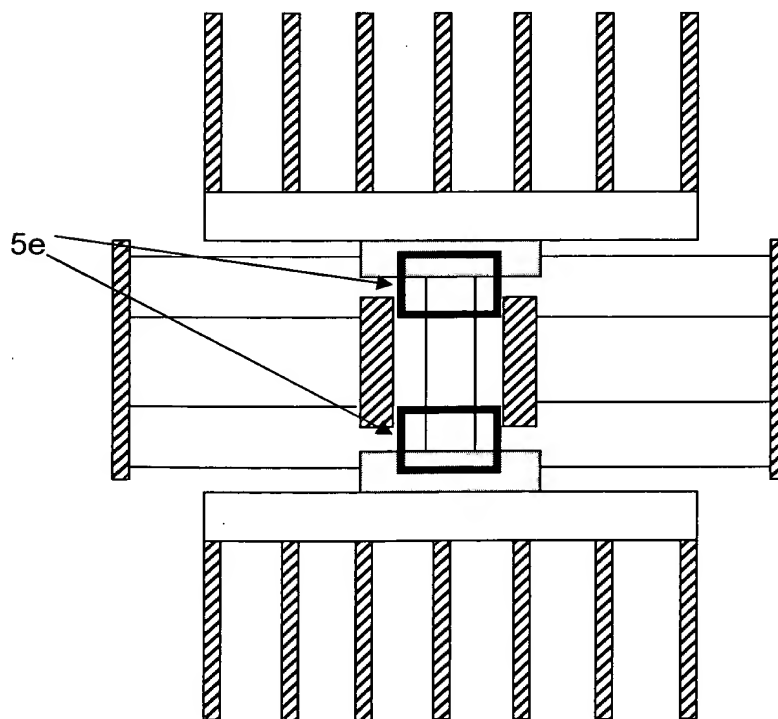


Diagram A6